GB2 shaped. she must [illegible] sure, and [illegible] she shall sh-loghoreye e-lole Maasai.

Maasai until two years have elapsed, for they say that the dead man's head is still fresh'.

Tee ther el-Maasai ilkae-Maasai, sotji, 'Kitapu'l-silang'; sotji, 'Elmeriake' Kiji el-Maasai nae el-Maasai'l-meek.

When one Masai kills another, it is called committing murder, it is not called killing. Killing is only used when referring to savages.

GB3 Kaa, tee ther el-murrani el-likae, pe eloshy ee-gishi, enishoreye lole Kedelige el-likae e-mepee e-kare. Kaa, tee ther el-likae, engil el-ele, e el-le'e-gitja, e el-le'lag-wina, e el-le'l-loghoreye, enishoreye ee-dareee.

If a warrior strikes another and leave the hide of his ear, he has to pay a young cow. If he breaks a bone, either in his leg, arm, or head, he has to pay a heifer.

GB4 Kaa, tee kuri el-ayioi enitoe, enishii enee el-murrani, kake elakuni 'l-kedigeike enee.

If a boy is murdered, the amount which has to be paid is not so great as for a warrior, the price being fifty young bulls.

Ee-gireye.

Adultery.

•GB4 [SK1] Murii el-murrani enishi el-ayioi eitine enishoiyore ee-gishi e-l'i-pureee le-mengee. Tee elpeliluni, enishii.

No warrior or boy may commit adultery with a woman of his father's age. If he does so, and it becomes known, he is cursed.

Ore tee eishii, enishoreye 'e-gishee ore, ee-e'le-eishu, eeeregiye 'l-pulyani pe enishii. ● el-kitudy-tipidy l-pulyani tee kek ee-eishu.

Should he be cursed, he pays two cows (one in lieu of honey-wine), and he gives the elders to assure the cows. The elders eat the ox when they drink their honey-wine.

[SK] [SK] Kake enishii ntje tee eishuee 'e-gitunk enishi 'e-dolyo e-l'i-pureee keeye. Ma keeee tuna.

But this is not the case if a man commits adultery or fornication with a woman or girl of his own age. This is not an offence*.

* This law is not always put into force. The murdered man's relatives are often willing to make peace on payment of a heavy fine, say one head of cattle.

[GB5] * From this it will be seen that the Masai are polygamous as well as polygynous. A man may marry as many wives as he can afford to purchase, and a woman may cohabit with any man belonging to her husband's age.

1: Hollis C-5 (ca. 1894-1904) 1905
FL12 Masai FL12

Ten shillaro el-nabwa en-gumi enye enikí na-n'i-gwaa keye, kuruan. Ten enikí el-gwaa keye, ainei, engiti eng-ekig, ainyalgi 'n-gitáta ainyíteni.

If an old man commits adultery with his daughter or with a girl of her age, it is considered a serious crime. The other old men if they hear of it beat him, pull down his kraal, and slaughter whichever of his cattle they want. [L84] [KL]

'E-kwak.

Eiji en-dibi enji na-kwata, naa 'l-ala nare ainei i-n-ainei.

The extraction of teeth.

There is something called na-kwata, which means the extracting of the two middle incisors of the lower jaw. [KL] [KL2]

A knife is used with which to perform the operation.

Ilalami ta-'ng-ainei.

Ilalo 'l-Masaai: nabwa 'n-gwa enye kuf-ure. Tan ainei en-gumi, ge ainye 'l-ngatitia inyú, ainitiakina 'l-ala gitáta, ainei. Ilalami.

The Masai extract their children's two middle teeth twice. They extract them first of all when the child is about eight months old, and all its teeth have grown. Then they wait.

Enyuo 'l-ala gitáta, naitiguenai 'l-nga-na-n'i-kiakina. Ore ol ainei ainitia 'l-ala gitáta, ainye en-gumi nare en-na-'l-ala kwara e nare, nabwai en-kwata e-kiton, nanaitiki ainitia.

After the child has lost all its milk teeth and obtained the permanent set, i.e. when it is about twelve years old, the teeth are extracted a second time, and never grow again.

Ore ol ainig nanitiwa en-gumi, nanitiaki eng-nanaa kwar kwi'kitoni, enji: 'Tainiju.'

When a child has had its teeth extracted, donkey's dung is put on the fire in order to cool it. [L39]

Ore ngo ol ainarnaki nabwa 'l-naitiguenai kí, ge kwa nanaiyúa ol-naitiguenai, ol ainara, nanaa 'l-ala, nainyaaki eng-nare kwa-kwata nanitiwaki ngo.

The origin of this custom of extracting teeth was to enable people, in the event of a man falling ill or being on the point of death, when his teeth would gain him, to pass water through the orifice'. [L1]

* Ilkidia (the Lord of the dream, or evil orifice). 'The origin of this custom is supposed to date back to a time when someone was a great scourge amongst the Masai, and they discovered that it was a comparatively simple matter to find a man suffering from toothache if one of his front teeth were missing.'

B: Bernardi E, M-4 (no date) 1935 FL12 Mauss FL12

It is possible to consider that solidarity as a kind of class identity. This identity does not exclude the possible variations and differentiations of class-members arising from individual differentiations of talents and character, from leadership, seniority and social prestige attached to the possession of a great number of wives and a large herd of cattle. The main expressions of that identity are the use of a single name for the whole class and some special marriage regulations which apply to class members and, to some extent, to their children. 561

Thus, a man may not marry the daughter of a member of his own class. If he fornicates with her he is punished by his own age-mates. "His kraal is destroyed, he is severely beaten, and a number of his cows are slaughtered". Similarly, "if a warrior or boy commits adultery with a wife of a man belonging to his father's age-grade (or class), he is solemnly cursed by the members of that age-grade". (Hobley). Furthermore, any class member when a guest of any of his age-mates, has a right to cohabit with his host's wife. Similarly, says that a widow "must not re-marry but she must live with the members of her deceased husband's class". This "sexual communism", as Hobley calls it, takes place only among members of the same class. It is limited, of course, by clan and kinship exogamy, which, even for class members, is strictly enforced. [573] [584] [577] [579] [577] [582]

In the performance of the *Embolosat*, *Ergidata*, *Ewata*, *Ygdaro* names are given to acts instituted. Names assumed at the *Embolosat*, *Ergidata*, and *Ewata* are temporary, for temporary is the nature of the act then established. In the *Ygdaro* groups all previous names are discarded for a single name which is final and applies to the age-class as a whole. It is this name which is handed down to the following generations. Age-class names are, as it were, the milestones by which Masai can order their past into a certain historical perspective. Class names are then recalled when historical facts are recounted. 541 552

Lists of class-names have been recorded by our collection. It may be of interest to reproduce here some of those lists collected by Merker, Fox, and Fosbrooke.[1] Fosbrooke has attempted

[1] Merker, l. c., p. 256; Fox, l. c., pp. 166, 167; Fosbrooke, l. c., pp. 11 s.

for how eleven days, he will come out. Then he has entered, the owner of the hut leaves him and goes to search for a place to sleep in... A Masai cannot refuse hospitality to a stranger (of his own age) for he is afraid that the other members of his age will come him, and he will die". [578] [584] [582]

3: Malita C-5 (ca. 1894-1904) 1919 FL.12 Mana: FL.12

93 sweetheart (*i-wanjo*) a girl of the same sub-clan as himself, or one who is more nearly related to him than third cousin, and only then if the terms of address used are *a-la* father and *a-na* father; and no member may cohabit with the wife of a member of his own age-grade if their sons is married to one of his own relations, or to a daughter of his sub-clan.'

98 983 987 The payment of the bridal price authorizes a Maori to ordain the children which his wives bear as his own; it further gives him a full measure of control over both his wives and children, and they do all the household work and tend and look after his lands and fields. But though individual marriage is recognized, sexual promiscuity or something very like it prevails between all the men of one age-grade and the women of the corresponding age-grade, subject to the rules of exogamy and relationship, which forbid a man to marry or have sexual intercourse with a woman of his own clan or with a near relative. In other words the Maori may be said to live in a state of group marriage, based on the organization of the whole community in age-grades, and restricted by the exogamy of the sub-clans and the rules regarding incest.

● 489 If a man is knowingly guilty of incest, or has sexual intercourse with a daughter of his own sub-clan, he is punished by his relations, who flog him and slaughter some of his cattle. If he fornicates or commits adultery with a daughter of a member of his own age-grade, he is punished by the members of his age-grade. His head is destroyed, he is severely beaten, and a number of his cows are slaughtered. If a warrior or boy commits adultery with a wife of a man belonging to his father's age-grade, he is solemnly cursed by the members of that age-grade. If a man he pays the elders two cows, one for them to eat and the other to enable them to buy heavy wine, and pays them to procure the cows, it is supposed he will die.

936 489 If a man unintentionally commits incest—and it is quite conceivable that a man might not know his fourth or fifth cousin, for instance, should the two live in different districts—he has to present a cow to the girl's relations in order to "cut the relationship" (*ta-ve nga-nga*).

947 951 [956] 482 489 933 A man must abstain from having sexual intercourse with his wife as soon as she becomes pregnant, and he may not again have connection with her until the child cuts the two middle incisor teeth of its upper and lower jaws. Should this rule be broken it is believed that the child will never be strong. In the event of a man having intercourse with a pregnant woman, and thereby causing her to abort, he must submit to a punishment which is called *ai-tukuvao*. All the women of the neighbourhood collect together and, having stripped, seize the guilty person and flog him, after which they slaughter as many of his cattle as they can, mangling and suffocating the animals with their garments.

934 976 Other occasions when the sexes may not have sexual intercourse are when

* For the rules regarding bastardy see *The Maori*, p. 207. An age-grade consists of all those men who are circumcised at one of the four festivals held during every 15 years. See *The Maori*, p. 202.

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G85 stolen, the fine is one ox for each sheep stolen. In the cases of thefts from Il-meek, the fines are always reduced, because it is held by the Masai that all the cattle in the country belong, in reality, to them.

If the thief has no cattle, he must give his daughter in marriage to the man whom he has robbed if the latter is a Masai. He gets paid the usual dowry for her, however. If the theft is one of money (a practically unknown crime), the amount of the fine is regulated by the amount of money stolen and the fine must be paid in cattle.

The offence of arson is not known, and there is no stated penalty. If, as a result of grass-burning or through carelessness, a man is the accidental cause of another's kraal being destroyed by fire, he is supposed to bring a bottle of honey, or a cow,[1] by way of compensation. No fine is laid down.

Engidong: Adultery. *Engitaapani*: Seduction

G86 [94] If it be known that a man has lain with a woman of another age, he is cursed and has to pay two bottles of honey and two cows before the Elders will remit the curse.[2] Should he be caught in the act, the friends of the cuckold tie him up at the kraal door and he is beaten, pelted with cow-dung and spat upon by everybody, including the women. If the offender is a warrior, his pigtail is cut off and he is cursed. This humiliating punishment is greatly dreaded.

It is no offence for a man to commit fornication or adultery with a woman or girl of his own age, but should a warrior betrothed or unmarried girl, it is considered very wrong. He [95] must pay a cow and a bottle of honey, and the child will be the property of the man the girl is going to marry.[3] If the girl is not engaged, the child will be the property of her father, or her eventual husband may take it. By arrangement, Masai warriors generally marry the girls they cause to conceive.

[1] The Masai are not definite regarding the cow in this case. In fact, the Elders had a mild squabble on the point when the above information was being taken.

[2] See Hollis, *The Masai*, p. 310.

[3] Masai girls are often engaged to be married from their very earliest years.

particular relation. The naming ceremony is as follows:—When the child was one [553]
about a small ram is chosen and killed by the women of the village and eaten by
them (and not by any men). The child is then given a name which is chosen by the
assembled women. It is usually named after some friend of the family either living
or deceased, and great care is taken that the person after whom the child is named
is (or was) good looking and of good character, as otherwise the child would grow up
ugly and of an evil nature. This is the name used by the family and by friends, but [551]
after initiation a boy is always called "Son of 'so-and-so,'" and not by his own
name (except by his family). After a man is married and has named sons of his
own he is called "Father of 'so-and-so.'"

Tooth Extraction.—As soon as a child of either sex has cut all its milk teeth the [304]
two central lower incisors are knocked out, and this operation is repeated when the
permanent teeth grow. There is no ceremony attached to this removal of the teeth, [310]
which is performed with a small, sharp two-edged knife. The reason given for this [312]
practice is, that in the case of any illness, if the patient keeps his mouth tightly closed, [308]
water and food can be poured in through the hole so formed.

Ear Piercing.—At the age of about 5 or 7, children of both sexes have holes pierced
in the cartilage round the upper part of the ear, and as soon as the boys start herding
cattle and the girls start drawing water they have the holes of the ears pierced. Both
ears pierced in order to prepare them for carrying ornaments, and the holes are
stretched to the size which the individual requires by means of a gradual increase
in the size of the inserted ornithing plug of rough wood.

Games.—All sorts of childish games are played by the children during their [524]
early days, but I could not obtain any details from my informants.

Clothing.—From a very early age children are given small bits of skin as clothing, [291]
and the boys have small aprons made for them.

Food.—The food of children is the same as that of grown-ups and is mentioned [262]
in milk, fat, and meat, as no crops are grown.

Part II.—Boyhood.

Herding.—As soon as they are considered old enough (and this depends upon the [559]
number of other boys in the family available for this work), boys are sent to help
herd the sheep and cattle, and they continue to do so until they are old enough to
start preparing for initiation.

Sex Life.—Initiation is often delayed until some little time after puberty, and it [554]
is not considered in any way wrong for these boys to begin indulging sexually as soon [553]
as they like, provided that they observe certain restrictions. They may do as they [554]
like with the younger girls in the neighbouring villages, provided, of course, that they [554]
observe the law forbidding sexual relations with any member of their own sub-clan,

and also provided they avoid such young girls as are attached to men in the warrior classes. That these young uninitiated lads even try to have intercourse with married women is certain, as there is a special penalty provided for women who so debase themselves. (*See Marriage.*)

Preparation for Initiation.—No boy is allowed to think about preparing for initiation until he can show a growth of facial hair indicating puberty. Boys are always very anxious to be initiated as soon as possible, and as soon as they consider that they can make a reasonable claim that they are old enough, they form themselves into groups of anything from six to a dozen, dress themselves in new soft skins, and, taking with them bows and arrows, go out on a tour of all the villages of the district announcing that they are candidates for initiation and demanding presents. These groups are called *olomal*, and by long custom they must be given anything they ask for which is within reason.

Custom dictates that they shall ask especially for honey and lynx-skin karosses, and these they take and present to senior and influential elders belonging to various circumcision groups, at the same time requesting them to bring up the question of their initiation at the councils, and to make all the necessary arrangements. There is often a delay of anything from six months to a year before the consent of the councils is obtained and arrangements are set on foot. In the meantime the groups of boys continue on their visiting tours collecting more presents as further persuasion to the elders to do as requested, and fresh groups of boys are formed and add themselves to the number of the candidates for initiation.

During the whole time that these *olomal* groups are wandering about from village to village they may sleep with any of the uninitiated girls in the villages which they visit (even those who are attached to young warriors), provided that they observe the normal restrictions of the warrior classes.

Ceremony of Seizing the Ox by the Horns.—When at length the elders have consented to proceed with the initiation ceremonies, those elders to whom the presents of honey and lynx-skins were given make the necessary arrangements for the ceremony of seizing the horns of the black ox. These elders select a village of some elder of the Loiborsoi sub-clan (the ox must always be supplied by a member of this sub-clan), and demand a black ox without any defect and without any trace of other colour on any part of its body. Should the owner of the selected village not possess such an ox he must obtain one from another member of the Loiborsoi sub-clan, and if he cannot do so he must obtain it from another clan by purchase or exchange, and present it to the elders. This ox is called *engotuny*.

When the ox has been procured, a special village is built near where the ox was obtained, and a day is fixed for the horn-seizing ceremony. Only those of the candidates for initiation whose fathers took part in a horn-seizing ceremony are allowed to take part; the rest of the candidates cannot do so, but may sit their horses while the ceremony takes place.

Married Sex Life.—Among the Masai (as already stated) a married woman's first duty to her husband is to bear him children, and husbands do not mind if their wives have intercourse with other men, provided that they do not do so actually at a time when their husbands want them themselves. Even in such a case—apart from private measures which a husband might take—there is no recognised punishment for the woman, or any legal claim against the man, provided, of course, he is a married man of a sub-clan other than the woman's own.

Sex Restrictions.—There are, of course, certain definite regulations which must be observed, the chief of which are:—

(1) No woman may have intercourse while she is with child (not even with her husband).
(2) No woman may have intercourse during the actual period of menstruation.
(3) No married woman may have intercourse with an uninitiated boy.
(4) No man in the warrior class may have intercourse with a married woman.
(5) No married man may have intercourse with an uninitiated girl.
(6) No woman may have intercourse with a man who is the son of any member of her husband's own age-group ("They are as his own sons, whatever their clan may be").
(7) As already mentioned, the rule of sub-clan exogamy applies as much to general sex life as it does to marriage and, therefore, a woman must avoid all men of her own sub-clan.

PENALTIES FOR BREAKING OF THE ABOVE RESTRICTIONS.

Breach of No. 1.—There is no fixed punishment for a breach of this regulation, but the man would be accused of causing damage to the child, and should abortion take place later, or the child be born with any deformity, he would be held responsible.

Breach of No. 2.—There is no punishment for a breach of this regulation, but it is simply "Not done."

Breach of No. 3.—A woman who is found infringing this rule is severely punished in the following way. She is tied up and severely beaten by her husband, so that her whole skin is bruised, and then sheeps' urine is poured over the abrasions. This acid causes very severe pain for many hours. The boy is not punished, as the fault is held to be entirely that of the woman, who should know better. In actual practice the boy is expected to bring the husband a present of honey beer in order to placate him, and so avoid being cursed with a very potent curse.

Breach of No. 4.—There is no punishment for the woman who is found to have broken this rule, nor is there actual punishment for the man, save that if his sin is discovered he is dishonoured at once by his fellow age-group members, and even if not found out at once, his dishonourable conduct will be found out at the *Eunoto* ceremony (see p. 196), when his turn comes to enter the *thingira*.

Breach of No. 5.—A married man who breaks this regulation and is found out is very severely punished, the punishment being left to the women of the village, who have the right to hamstring and maim all his cattle.

Breach of No. 6.—The punishment for this is as for a breach of No. 5 as far as the woman is concerned, and likewise the man must take beer to the aggrieved husband to avoid a curse.

Breach of No. 7.—A man who breaks this regulation is held to be solely responsible, no guilt whatever attaching to the woman. As this offence (intercourse with a member of one's own sub-clan) is the worst possible, the penalty is very severe indeed. Every animal the man possesses—cattle and sheep alike—is hamstrung and otherwise maimed and left to die, and if the man can be caught he is so severely beaten and maltreated that he is almost certain to die too.

The Marriage Transaction.—The usual number of animals transferred as marriage settlement are :—

3 Heifers.
1 Ox.
1 Ewe yearling.
1 Ram.
Also honey beer in large quantities.

Of these, the ram is slaughtered by the mother of the bride, who is anointed with its fat.

When a girl who has conceived before initiation is being married by a man other than the lover who was responsible for her condition, only one heifer is given (instead of the three mentioned above) at the time of the marriage, but the other two heifers must be handed over at such time as the first of her children is initiated.

PART VI.—FAMILY LIFE.

The Relation of Parents to Children.—As already indicated, a man's legal children among the Masai are—as often as not—only his by virtue of his being the husband of their mother, and quite irrespective of physical parentage. Nevertheless, fathers are very proud of their children, and take considerable interest in their welfare. They must always be present at the initiation of a son or daughter, and feel very hurt if for any reason they are prevented from doing so. When a son grows up and eventually forms a village of his own, his father and the other men of the village who belong to his father's generation may not come and feed at the new village until one of them has been presented with a heifer called *ndaou* by the young man.

284 *Boyhood. Sex Life.*—In past times uncircumcised boys were severely punished by the warriors if they had sexual intercourse with a girl of any sort. This is no longer the case, probably because the warriors are afraid of Government interference should they ill-treat the boys.

[308] [309] Should an uncircumcised boy have intercourse with a married woman he may, when his time comes to be circumcised, fail to find an elder who will sit behind him according to custom and hold him during the operation, but may have to sit unsupported. In an instance which I observed a boy who had so offended was circumcised in due form on payment of a fine of four cows.

281 282 The elders who decide when a new circumcision is to take place are those of the *Ol-Piron* generation to that which is about to be circumcised.

Ol-Piron means a foretick, and its significance is explained below under superstitions of generations and ages.

Ceremony of Setting the Ox by the Horns.—The Masai call this ceremony *Enkolomi o ol-Gilong*, which means the tearing of the ox. *Ol-Gilong* is the general word for an ox and is not confined to the one used at the ceremony. It must be performed first by the Il Kakonyiki section. I have not seen it performed.

281 *Circumcision.*—I will endeavour to describe a circumcision as I saw it. On my arrival a few minutes before sunrise the two boys who were candidates were standing naked and shivering outside one of the village gates. They had previously been completely shaved. An old man poured a little water over each from a pannikin. Ox hides were brought out and each boy sat on one. Each boy was held by an elder sitting behind him. They were just outside the village with their backs to the thorn fence which encircles the village. The operator appeared and circumcised each in turn. He was a Kikuyu and performed the operation with a dirty-looking razor of a type made in Birmingham or Germany.

[304] [413] As soon as the operation was finished new sandals were put on the boy's feet by the elders; and the elder who was sitting behind him stood up, still holding him, and walked him off backwards through the village gate.

As soon as both boys had been circumcised the operator rushed off to repeat the performance at a village near by before the sun was high. I went back into the village with the elders. One of them drew blood from the neck of an ox for one of the candidates. We went into the hut of the mother of one of the candidates, where [303] the boy sat silent on a bed while we elders refreshed ourselves with honey wine. The boy is not allowed to speak for a period after the ceremony, but I have forgotten the length of the period.

A branch of a tree is tied to the front of the boy's mother's hut by leather thongs passed through the wall.

56 198 *The Novitiate.*—Nowadays the novices do not need to remain in this stage till all the other candidates have been circumcised, but shave after a few months. They

12: Pam G-5 (1925-1930) 1930 FL12 Maasai FL12
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Marriage.—The warriors may not marry till after the *E-Unoto*, and do not usually do so till after their first *Ol-Eyiakua*. The case stated by Mr. Leakey,[1] in which a warrior cannot have sexual intercourse with his initiated wife, is therefore hypothetical, and does not occur in practice.

The cattle required for the bride-price are payable on the birth of the first child, and cannot be reclaimed if the wife dies or runs away, because the husband has got the child. Wives live with their husbands, but they are common to their husband's generation, not his own exclusively. Thus if a stranger comes to a village where lives a man of his generation he may choose in which hut belonging to his generation he will sleep. When it is time to sleep it is the custom for the owner of the hut to vacate it and leave the stranger with his wife. It is quite lawful and proper for the stranger to have sexual intercourse with the woman provided that she consents and that the restrictions (see p. 302) are observed. It is said that if a woman is persistently unwilling to allow the members of her husband's generation to have intercourse with her she may be severely admonished, and her husband may be fined a number of cattle.

On the other hand, the members of one generation are extremely jealous of generations older or younger than themselves. A fight between generations is very likely to occur if the men of one generation find that a man of another has had intercourse with one of their women.

If a woman who has borne children leaves her husband and lives apart from him, he waits till his eldest son is old enough, and then sends him to fetch her back.

A man may not have sexual intercourse with the wife of his full brother (mother's son), but may have it with the wife of a half-brother (same father, different mother) who is of his generation. He may not have intercourse with his wife's sister or half-sister.

A husband and wife may not call each other by their names.

Father-in-law
Mother-in-law
Son-in-law
Daughter-in-law
} Must not be addressed by name.

Family.—The name for a family is *Ol Masai*. Relationship is not recognized beyond first cousin. The Masai take little interest in their genealogies and can seldom trace their ancestry beyond the fourth generation. Nevertheless, if a man is of pure Masai descent, *Ol Masainé ainet*, he is proud of the fact.

Death and Burial.—Dead bodies are disposed of by the hyænas, except for those of *Laibons* or very influential old men. These are buried under cairns of stones.

[1] See p. 300 of this volume.

the father's home or in his own compound. But it seems that a ceremony is performed which releases the husband from the prohibition on members having sexual relations with married women.

A widow is looked after by her husband's brother, or by one of her own brothers. She may cohabit with her husband's brother. It appears that a woman who has had children may not marry again, though one who is childless may marry her husband's half-brother, if he has one. Any children she may have after her husband's death are counted as his.

Polygamy

A man may have as many wives as he can pay for: one of Shilla's aunts says that a rich man may have as many as 20. Actual figures show that while two wives are common, three and even four are found much less often, and more than five very seldom. Each wife has her own hut in the husband's kraal, and as the first wife on the right of the gate as you go in, the second on the left. In each wife are allocated cattle which she holds in trust for her children.

Adultery

Adultery is not common, because the rules controlling sexual relations are wide and clear. Any of a man's age-mates (members of his own grade) may have access to his wife, and though none of the age-set are supposed to associate with the wives of another age-set, in practice this rule is little observed. A married man is not supposed to have intercourse with a married woman, and a married woman may not have sexual relations with an uncircumcised boy.

Divorce

A wife cannot be divorced once she has borne a child, though a temporary separation may occur, the wife, if the husband is an Nuth, going to one of his age-mates, or, if she is an Nuth, to her father.

Adoption

In the old days, children captured in war were often adopted, and even today, children of "foreigners" (those who are not Nkwai) may be adopted, especially in times of famine. Such children become accepted as Nkwai. Under the term "adoption" is also included the practice of adopting children within the family, e.g., a father will adopt a child of his wife's which has been begotten by another man, and a barren wife may adopt a child of one of her co-wives.

Birth and Naming

Birth takes place in the mother's hut, where she is attended by a midwife, and sometimes. The women and girls of the kraal assemble, and when the child has been born they feast on an ox supplied by the father; next day another ox is killed for the rest of the people of the kraal. The mother remains in her hut till she feels strong enough to go out; the husband may not enter the hut for 10 days, nor eat in it till the child can walk. Intercourse between husband and wife stops as soon as the wife knows she is pregnant, and is not resumed till the child is weaned, when it is between one and two years old. (Shilla says till the time when it cuts the two middle incisor teeth, upper and lower.) Twins are considered very desirable, and a boy is preferred to a girl.

The first name is given either on the fourth day after birth, when the child is taken outside to be shown the sun, or at a feast held on the 10th day, which begins with the killing and cooking of an ox: the meat is distributed to the inhabitants of the kraal, and in the evening the mother, carrying the child on her back, walks the rows. After this, the child is named to the presence of the father and mother

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only very rarely used. In these cases the perpetrator, as punishment for the killing or the murder of a man, loses all his property; his livestock, his wives and children pass over to the heir of the deceased. For killing a woman who has not yet given birth to a child, only half of the livestock of the perpetrator will be given to the widower. For the killing of a woman who has children, the perpetrator pays ten husband 10 head of cattle and 10 goats or sheep. In this case distinguished as to whether the woman killed had a son or a daughter: in the former case the fine is greater than in the latter one.

Bodily injury with a fatal result is regarded as the same as murder, as is one that results in the loss of a leg. A person who cuts off another's arm (in some districts this applies only to the right arm) or makes it useless pays the injured one a fine head of cattle and lamb. In case the crippled one is killed in battle, also the fine customary as atonement for murder. It is assumed in this case that the cripple was killed only as a consequence of his inability to fight. Serious injury to the head is atoned for with the payment of a cow, an ox, and a sheep, among others only with the payment of a cow; the fracture of an arm or leg, with the payment of one or two head of cattle. Likewise the fracture or loss of a finger, with /[illegible]/ the exception of the two index fingers (as mentioned or as mentioned), which, as magic fingers, are "dangerous and evil." The destruction of an eye requires equivalent. One who rises off another's ear also pays him a goat or a sheep for it.

672. One who acts as an accomplice in a crime against life and health is punished in the same way as the perpetrator.

Rape, abortion, unnatural lewdness, which is said to occur as sodomy (1).

1. Cf. the remarkably lenient prohibitions in 3rd bk. /Exodus/ 22, 16; 3rd bk. /Leviticus/ 21, 13; 5th bk. /Leviticus/ 18, 23; 5th bk. /Deuteronomy/ 27, 21.

are not punished.

/[see cross-/

There is no special punishment for cowardice in war. The warriors, however, mock the coward in front of the girls and make him ridiculous in their eyes. One who makes anyone ill through sorcery pays a head of cattle to the one bewitched. If the latter dies, the sorcerer must pay the fine levied for murder and is himself driven away.

The death penalty is carried out in that a band of armed men attack the delinquent slayer and kill him with spears. For a war /[???]/ caller the execution is carried out by warriors, for an enemy, by those injured by him. Fines are usually paid to headmen. In general their consent is not fixed for the individual offenses. In the one case this, in the other that is regarded as the norm. Diminished ability to pay because of previous livestock sicknesses or unsuccessful wars naturally lowers the fine. Moreover, if in the division the fellow members of the lineage or tribe of the perpetrator have a preponderance in numbers or power over those of the injured one, the fines are considerably smaller than in the opposite case: then murder is often punished as negligent homicide, or many a time even left entirely unpunished, just like other crimes or misdemeanors. Irresponsibility is regarded as mitigating in some districts, in others not. An attempt is not punished. Self-defense is not mitigating.

A degrading punishment exists only for the warriors and consists of cutting off the guilty man's braid-coiffure, as is well known, one of the insignia of his standing. This punishment is said to be inflicted most frequently for rape committed on a married woman, less often also as additional punishment for theft. Innocent accused persons are recompensed with a goat or a sheep. The mentally ill occupy an exceptional position in the legal world only insofar as they are unable to pay fines. In most cases their people are then liable. The latter therefore keep in fetters the sick person who is inclined toward misdemeanors or crimes. Frequently, too, if an al gaiatlaj does not succeed in curing him through magic remedies, he is tied to a tree at some distance from the kraal, to be devoured by predatory animals.